

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

GREAT MIDWEST INSURANCE
COMPANY,

Plaintiff,

v.

BUTCH THOMPSON
ENTERPRISES, INC, CONRAD
CORPORATION, INC., JUDSON C.
THOMPSON, and CAROLYN S.
THOMPSON,

Defendants.

Case No. 1:23-cv-03440-SEG

**JUDSON C. THOMPSON, CAROLYN S. THOMPSON AND CONRAD
CORPORATION, INC.’S RESPONSES TO GREAT MIDWEST
INSURANCE COMPANY’S STATEMENT OF UNDISPUTED FACTS**

Defendants Conrad Corporation, Inc., Judson C. Thompson, and Carolyn S. Thompson, (collectively “Defendants”) submit this Response to Great Midwest Insurance Company’s (“Plaintiff”)’s Statement of Undisputed Material Facts as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Denied. Indemnitors offered equity in the office building and personal residence to satisfy the demand. Judson Dec. ¶17.

11. Admitted.

12. Denied. BTE reviewed and responded to inquiries from Plaintiff regarding payment bond claims. Judson Dec. ¶11.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admitted.

25. Admitted.

26. Admitted.

27. Denied. BTE worked closely with Great Midwest to provide completion options. BTE repeatedly provided a work plan for completion. Judson Dec. ¶¶ 13-16, 20-22.

28. Admitted.

29. Admitted.

30. Admitted.

31. Admitted that an inspection was performed but denied that there were defects attributable to BTE. Judson Dec. ¶¶ 22, 24.

32. Admitted.

33. Admitted.

34. Admitted that the pricing was more than the remaining contract funds but denied that BTE did not have the capacity or solvency to complete the work. Judson Dec. ¶¶ 16, 22, 24.

35. Admitted.

36. Admitted.

37. Admitted.

38. Admitted.

39. Admitted.

40. Admitted.

41. Admitted.

42. Admitted.

43. Admitted.

44. Admitted.

45. Admitted.

46. Admitted.

47. Admitted.

48. Admitted.

49. Admitted.

50. Admitted.

51. Admitted.

52. Admitted.

53. Admitted.

54. Denied. BTE fully complied with all requests and repeatedly notified Great Midwest that the default was improper. Judson Dec. ¶¶11-15, 22. Nonetheless, Great Midwest ignored BTE and chose instead to incur unnecessary costs to

complete the project without BTE's involvement. Dkt. 55 – Injunction Hearing 56:25-57:8.

55. Admitted.

56. Admitted that the Indemnitors have not held Great Midwest harmless, reimbursed it, but denied to the extent that the statement is a legal conclusion on the enforceability of the Indemnity Agreement.

57. Admitted.

58. Admitted.

59. Admitted.

60. Denied. Mr. Thompson specifically disputed the charges during the hearing for the preliminary injunction. Dkt. 55 – Injunction Hearing 56:25-57:8.

61. Denied. Mr. Thompson specifically disputed the charges during the hearing for the preliminary injunction. Dkt. 55 – Injunction Hearing 56:25-57:8.

62. Admitted.

63. Admitted.

64. Admitted.

65. Admitted.

66. Admitted.

67. Admitted.

Respectfully submitted this 28th day of October 2024,

SMITH CURRIE OLES LLP

/s/ *Lochlin B. Samples*

Lochlin B. Samples

Georgia Bar Number: 303893

Attorneys for Defendants

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CERTIFICATE OF COMPLIANCE

The undersigned counsel, Lochlin B. Samples, certifies that this document has been prepared with Times New Roman 14-point font and that the other requirements of Local 5.1(C) have been satisfied.

Respectfully submitted this 28th day of October 2024,

SMITH CURRIE OLES LLP

/s/ *Lochlin B. Samples*

Lochlin B. Samples

Georgia Bar Number: 303893

Attorney for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 28th day of October 2024, I electronically filed a copy of the foregoing Defendants Responses to Great Midwest Insurance Company's Statement of Undisputed Facts with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Lochlin B. Samples
Georgia Bar No. 303893